

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1 and 11-12 have been rejected under 35 USC 102(b) as being anticipated by German Patent Document 20007930 U1 (U.S. equivalent patent No. 6,447,005).

Claims 1-6 and 9-12 have been amended to change "lining" to "vehicle interior lining". The vehicle interior lining lines the interior of the vehicle to define the interior passenger compartment. The vehicle interior lining is visible by occupants in the passenger compartment. The handle is visible in the passenger compartment as shown in Fig. 3 of the drawings of the present application. The handle is fastened to the vehicle interior lining when the lining is fastened to the roof rail (Specification page 5 lines 6-8). The vehicle interior lining is shown in Fig. 3 as being visible by an occupant in the passenger compartment because the handle is visible by the occupant.

The patent to Alb does not disclose a vehicle interior lining. The patent to Alb shows a thin casing surrounding a portion of the gas bag which can be compared with the casing 44 in Fig. 3 of the drawings of the present application. The casing of Alb is not an equivalent structure to a vehicle interior lining because it is not mechanically stable i.e. it is flexible (Alb. col. 1, lines 44-46). Thus

Claims 1-5 and 9-10 have been rejected under 35 USC 102(e) as being anticipated by Miyahara et al. (6,234,517). The patent to Miyahara et al. does not disclose a preassembled gas bag module and vehicle interior lining.

The equivalent structure to the vehicle interior lining of the pending claims is the garnishing 25, 26 in Figs. 2A, 3 and 5 in Miyahara et al., since the garnishing is visible by an occupant from the passenger compartment of the vehicle. The garnishing 25, 26 in Figs. 2A, 3 and 5 of Miyahara et al. is not preassembled with the gas bag module. The Miyahara et al. assembly includes a separate housing 14, 50 for the gas bag in addition to the vehicle interior lining. The present invention dispenses with a separate housing since the gas bag is protected by the vehicle interior lining (Specification page 4 line 11). Thus, claims 1-5 and 9-10 should be allowable over Miyahara et al.

Claim 13 is directed to a vehicle interior lining assembly for a roof frame. The assembly includes a vehicle interior lining with at least two vehicle interior lining pieces. Each vehicle interior lining piece is visible from a passenger compartment and having a first longitudinal end. The assembly also includes a gas bag module fastened to the vehicle interior lining, the gas bag module includes a cover for the gas bag. The gas bag module has a gas bag extending substantially from an A-column to a C-column of a vehicle in a state installed in the vehicle. The two vehicle interior lining pieces form together with the gas bag module a

preassembled unit in which the first longitudinal ends of the vehicle interior lining pieces are arranged at a variable but predetermined adjustment distance in a longitudinal direction of the vehicle interior lining pieces. The vehicle interior lining is displaceable relative to the gas bag when installed on the vehicle roof frame.

Regarding claim 13, neither the patent to Alb nor the patent to Miyahara et al. disclose or suggest a vehicle interior lining piece visible from a passenger compartment which is fastened to a gas bag module. In addition, neither the patent to Alb nor the patent to Miyahara et al. disclose or suggest an assembly of a gas bag module fastened to the vehicle interior lining and where the gas bag module includes a cover for the gas bag. Further, neither the patent to Alb nor the patent to Miyahara et al. disclose or suggest that the vehicle interior lining is displaceable relative to the gas bag when installed on the vehicle roof frame. (Specification page 5 lines 8-11). Thus, claim 13 should be allowable.

Claims 14-15 depend from claim 13 and define over the prior art for the same reasons as claim 13 and for the specific limitations recited therein. Regarding claim 14, neither the patent to Alb nor the patent to Miyahara et al. disclose or suggest that both the cover and the vehicle interior lining open to enable air bag inflation and including all the limitations of claim 13.

Regarding claim 15, neither the patent to Alb nor the patent to Miyahara et al. disclose or suggest that by means of

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lining pieces, the vehicle interior lining and the gas bag are securely fastened to the roof frame with the installation of at least one handle. Thus, claims 14-15 should be allowable.

Claim 16 is a combination of claims 13-15. Claim 16 should be allowable for the same reasons as claims 13-15.

In response to the Examiner's remarks in the office action that in an article claim, the preassembled parts are not patentable, only the final product is patentable, it is respectfully submitted that the claims are directed to a vehicle interior lining assembly, i.e. a final product independent from its installation state in the vehicle.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,


James L. Tarolli
Reg. No. 36,029

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072